

09/477,470

BSCF 015C7



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Harlan Byker
Examiner : E. Lester
Serial No. : 09/477,470
Group Art Unit : 2873
Filed : January 4, 2000

Title: VARIABLE TRANSMITTANCE
ELECTROCHROMIC DEVICES AND
COMPOUNDS USEFUL THEREIN

Assistant Commissioner for Patents
Washington, D.C. 20231

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TECHNOLOGY CENTER 2800


TRANSMITTAL OF TERMINAL DISCLAIMER
37 C.F.R. § 1.321 (c)

Sir:

Attached hereto please find a terminal disclaimer in accordance with 37 C.F.R. § 1.321 (c) for any patent issuing on the above-specified initial cap application.

Please charge the fee of \$110.00 for the disclaimer, under 37 C.F.R. § 1.20 (d) or whatever such fee might be, to Deposit Account No. 07-1070. For the purpose of charging this fee to the Deposit Account, a duplicate of this paper is also attached. The attached disclaimer complies fully with 37 C.F.R. § 1.321 (c) and the law otherwise.

Respectfully Submitted,



Brian J. Rees
Registration No. 36,648

Date: 9-21-00

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09/477,470

BSCF 015C7 **TERMINAL DISCLAIMER**
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R. P. ...
10/18/2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 18 2000

In re Application of : Harlan Byker

**TECHNOLOGY CENTER 2800
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Examiner : E. Lester

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TERMINAL DISCLAIMER
37 C.F.R. § 1.321 (c)

Sir:

Gentex Corporation, of Zeeland, Michigan, is the owner of the entire right, title and interest in the above-specified application (hereinafter "the Application"), United States Patent No. 5,128,799 (hereinafter "the '799 Patent"), and is referred to hereinafter as ("the Owner").

The Owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Application which would extend beyond July 7, 2009, the expiration date of the full statutory term of the '799 Patent.

The owner hereby agrees that any patent granted on the application shall be enforceable only for and during such period at such Application and the '799 Patent are commonly owned. This agreement runs with any such patent and is binding on the owner, its successors or assigns.

In making the above disclaimer, the Owner disclaims only the terminal part of the statutory term of any patent granted on the application that would extend beyond July 7, 2009 and not the terminal part of any statutory term before July 7, 2009 in case the '799 Patent should expire prior to such date for any reason, such as a failure to pay a maintenance fee; final not appealable judgment by a court of competent jurisdiction holding that the '799 Patent is unenforceable or all of its claims are invalid; a statutory disclaimer of all claims or a terminal disclaimer of the '799 Patent under 37 C.F.R. § 1.321; a cancellation of all the claims that the '799 Patent in a re-examination certificate; or a re-issue of the '799 Patent.

The undersigned is empowered to act on behalf of the owner in making this terminal disclaimer. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information in belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the U. S.C. and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**TERMINAL DISCLAIMER
APPROVED**

OCT 18 2000

PLB
**TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER**

Date: 9-21-00

Respectfully Submitted,

Frederick T. Bauer

Frederick T. Bauer
Chairman of the Board & Chief
Executive Officer